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A I R FIS-M-2270

OGC Has Reviewed

25X1A

: Chief, [redacted] 25X1A

25X1A

INFO: Chief, [redacted]

: Finance Division

Attn: Comptroller

Finance

25X1A Regulations Governing the Payment of Post Differentials

REFERENCE: [redacted]

1. In an attempt to answer correctly the points you raised in reference A, this office requested from the appropriate office in Headquarters an official ruling regarding the applicability of the Civil Service Commission regulations or the Foreign Area Differential regulations for individuals sent TDY from a Territory to a foreign area or vice versa.

2. In reply to that request we were advised that post or territorial differential claims would be processed on the basis that Regulations applicable to the place of permanent assignment govern. You are correct in your assumption, contained in reference B, that the regulations governing the payment of territorial 25X1A post differential accruing to employees stationed [redacted] are those promulgated by the Civil Service Commission and appearing the Part 350 of the Federal Personnel Manual.

3. These regulations make it clear that the payment of territorial post differential should continue for an employee while he is away from his permanent post on TDY as distinguished from detail, but would be discontinued whenever he departed the post on detail. The definition for "on detail" is as follows:

> "Performing temporarily at a post other than the post of regular assignment, duties which include carrying out functions of the post to which detailed. An employee is not on detail to a post if he is there temporarily, in a travel status, performing duties in connection with the duties of his regular position at another post."

4. Based on the ruling noted above, namely, that the regulations applicable to the post of permanent assignment govern, payment of territorial post differential would continue for an employee departing any territory for

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temporary duty whether to a foreign area or another territory, provided such assignment was strictly TDY as distinguished from detail as defined in the Federal Personnel Manual. If the temporary assignment was a detail as defined in paragraph three above, the territorial differential applicable to the post of permanent assignment would terminate as of the date of departure and would be reinstated upon return. However, during the period of detail, the rate of differential, if any, applicable to the post of detail would be payable irrespective of whether it be a greater or lesser percentage than that of the PCS post.

5. On the other hand, for employees assigned PCS to a foreign area and performing temporary duty in a territory or another foreign area the Standardized Regulations would govern. For definition of detail see paragraph 135(6)(1) and (2) which reads as follows:

"(1) The temporary assignment or temporary duty of an employee away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when the period of such assignment or duty is actually 60 calendar days or more, or when the head of agency shall have determined by appropriate personnel documentation that the contemplated duration of the temporary assignment or temporary duty is for a substantial period of time estimated at not less than 60 calendar days.

"(2) The temporary assignment or temporary duty of an employee away from his permanent station which is classified for differential to a post or area which is not classified, or classified at the same or a lower rate, for a period of more than fourteen consecutive calendar days counted from date of arrival at such post or area.

6. In such cases, the controlling factors would be the length of such temporary duty in terms of calendar days and the rate of differential payable. For instance, in performing temporary duty at a post classified for a rate of differential greater than that of the PCS post, the length of such duty must be for 60 calendar days or more, or it must have been contemplated (as evidenced by a Travel Order) that the duty would be for a period of 60 days or more, in order to receive payment at the higher rate. An employee on temporary duty away from his permanent post of assignment in a foreign area, to a post classified at a lower rate of differential would be entitled to continue receiving the differential applicable to his PCS post only if the temporary duty was for a period of fourteen calendar days or less. Any period in excess of fourteen

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calendar days would be considered a detail and the lesser rate, if any, would be payable for the entire stay at the temporary duty post.

7. In order for the Headquarters payroll office to make the proper determination as to whether the payment of differential should be continued, the duty status report which makes reference to the period of TDY should contain a certification by the Chief of Station that the employee was or was not on detail as defined in the applicable regulations. The certification is required for the four specific cases mentioned in reference D. Upon receipt of this certification, the adjustment necessary, if any, will be made and your station advised of the action taken by payroll change notice.

8. It is requested that you advise this office if there are other instances in which you feel an adjustment may be necessary based on the information furnished above.

25X1A
[redacted]

26 June 1955

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